

REMARKS/ARGUMENTS

Claims 1-18 are pending in the application and are not amended by this response.

Rejections Under 35 U.S.C. § 102

In the July 8, 2003 Office Action, Claims 1-4, 6-11, and 13-18 were rejected under 35 U.S.C. §102(a) as being anticipated by “Solstice™ Java™ AgentWare 1.0 (early access) Programmer’s Guide” by Sun Microsystems, Inc. (“the Programmer’s Guide”).

A Declaration under 37 C.F.R. §1.132 is submitted with this Response. The Declaration is provided as proof that the subject matter relied upon in the Programmer’s Guide is Applicants’ own invention. Since the reference is describing Applicants’ invention and the application was effectively filed within one year of the date of the reference, it is believed that submittal of the Declaration overcomes this rejection. Claims 1-4, 6-11, and 13-18 are believed in condition for allowance.

Rejections Under 35 U.S.C. § 103

Additionally, in the July 8, 2003 Office Action, Claims 5 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Programmer’s Guide in view of Applicants’ Admitted Art (APA). The rejection of the claims based on the combination of these references is respectfully traversed for the reasons provided with reference to Claims 1-4, 6-11, and 13-18, i.e., the Programmer’s Guide was derived from Applicants and is not a valid §103(a) reference. Without the Programmer’s Guide, Claims 5 and 12 are not suggested or made obvious by the APA.

Conclusions

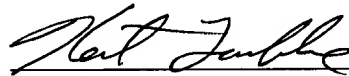
The additional references made of record in the July 8, 2003 Office Action have been considered but are not believed to teach or suggest the invention as claimed. Hence, the pending claims are believed allowable over all the references made of record in the Office Action.

No fees are believed due with this response, but any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date 9/22/03



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Attachment (37 C.F.R. §1.132 Declaration)